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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 25th July, 1980:—

I

BILL No. VII OF 1980

A Bill to provide for the establishment of a permanent bench of the High Court of Kerala at Trivandrum

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the High Court of Kerala (Establishment of a Permanent Bench at Trivandrum) Act, 1980. Short title.

2. There shall be established a permanent Bench of the High Court of Kerala at Trivandrum and such judges of the High Court of Kerala, being not less than two in number, as the Chief Justice of that High Court, may from time to time nominate, shall sit at Trivandrum in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Trivandrum, Quilon and Mavelikara. Establishment of a permanent Bench of High Court of Kerala at Trivandrum.

STATEMENT OF OBJECTS AND REASONS

Trivandrum is the capital of State of Kerala. The erstwhile Travancore State High Court had been functioning at Trivandrum for more than hundred years. People of the Southern Part of Kerala were enjoying this facility. The High Court was shifted to Ernakulam from Trivandrum consequent upon the integration of the Travancore and Cochin States. There is a real need for locating a Bench of the Kerala High Court at Trivandrum. By Act 38 of 1953, a temporary bench of the Travancore Cochin High Court was established at Trivandrum to meet the demands of the people of South Kerala. But this was later abolished. The people of the Southern part of Kerala have to spend a lot of money and time to approach the High Court at Ernakulam for justice. The Government of Kerala can also save a lot of expenditure that is being incurred now towards T.A. and D.A. for the officers going from the capital to Ernakulam for briefing Government pleaders and for filing affidavits in the High Court for the Government.

In the interests of the litigant public of the Southern part of the State and to administer cheap and efficacious justice it is necessary to establish a permanent Bench of the Kerala High Court at Trivandrum.

The Bill seeks to achieve the above objective.

S. KUMARAN.

II

BILL NO. VIII OF 1980

A Bill further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Citizenship (Amendment) Act, 1980.

(*2*) It shall be deemed to have come into force retrospectively with effect from the twenty-sixth day of January, 1950.

Amendment of section 3

57 of 1955.

2. In section 3 of the Citizenship Act, 1955, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) A person belonging to a religious minority community who has migrated to the territory of India from the territory of Pakistan, now included in the territory of the Republic of Bangladesh, shall also be deemed to be a citizen of India by birth, if—

(*a*) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and

(*b*) such person has so migrated after the nineteenth day of July, 1948 intending to reside in India permanently.

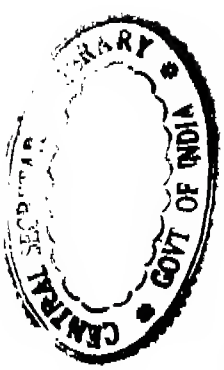
Explanation:—For the purposes of this section, an affidavit sworn in before any First Class Magistrate by the person who has migrated and supported by one citizen of India shall be deemed to be conclusive proof of the date of migration of such person to India.

STATEMENT OF OBJECTS AND REASONS

The existing citizenship laws of the country provide for discrimination between migrants from erstwhile West and East Pakistan transpiring an example of inadvertent absence of necessary legislation to regulate the right of Citizenship by law in respect of a certain category of migrants from the eastern part of the partitioned country. This has led to serious problems in some areas of the country and millions of poor illiterate people have been subjected to harassment.

The nation, at the time of independence of the country, gave assurance to the people belonging to religious minorities of the territory included in Pakistan in respect of their shelter and rehabilitation in India, in case of their migration to India due to political changes. This involves International conventional bindings also.

At the time of commencement of the Constitution, there were problems of migration of such persons from the erstwhile West-Pakistan only and accordingly, provisions were made under Article 6 of the Constitution for admission of their rights of Citizenship with a date-line.



There was no law, whatsoever, to regulate the rights of citizenship for such migrants, since the date of commencement of the Constitution, till the date, the Citizenship Act of 1955 came into force. But the maximum number of such migrants came from erstwhile East-Pakistan during the period, for whom there is no law to admit their rights of Citizenship. Migration of such persons continued into various States and a limited number out of them have been rehabilitated by the Government, but they do not have rights of Citizenship of India.

Thus, they have to venture for the same under the provisions of the Citizenship Act of 1955, which Act also, having given discretionary power to the authorities for granting Citizenship to an applicant, is virtually, inapplicable to such migrants, who has no other place to go and cannot be sent back to their previous places. Moreover, it is an absurd proposition for millions of poor illiterate people to get themselves registered as Citizens by applying individually. On the other hand, the aforesaid assurance of the nation of shelter and rehabilitation, cannot also be kept open for all time to come and a date-line is required to be declared to fulfil the said assurance to the said religious minorities and such migrants who have already come over to India should be admitted as the born Citizens of the Country.

This is a very sentimental issue for the Community concerned and a demand in this respect has already been placed before the authorities on behalf of the said migrants, asking for immediate removal of the said legal anomaly in their rights of Citizenship of the Country.

Hence this Bill.

PURABI MUKHOPADHYAYA.

S. S. BHALERAO,
Secretary-General.

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